IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 21536 of 2007(L)

PETITIONER:

K.HAMSA,
KULUKKAMPARA, VEERAMANGALAM, VIA THRIKKADEERI,
PALAKKAD DISTRICT.

BY ADV. SRI.V.K.MOHAMMED YOUSUF

RESPONDENTS:

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1. SECRETARY,
SREE KRISHNAPURAM BLOCK PANCHAYAT,
(BLOCK DEVELOPMENT OFFICER), SREEKRISHNAPURAM,
PALAKKAD DISTRICT.

2. DISTRICT COLLECTOR,
(CHAIRMAN, DISTRICT RURAL DEVELOPMENT AGENCY),
PALAKKAD.

3. COMMISSIONER FOR RURAL DEVELOPMENT,
THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY
SECRETARY, LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 21536/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE AGREEMENT DT. 25.2.05

EXT.P2. COPY OF THE BILL DT. 29.5.06

EXT.P3. COPY OF THE CERTIFICATE DT. 27.10.06

EXT.P4. COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT DT. 25.4.07

/TRUE COPY/

PA TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 21536 OF 2007

Dated this the 19th day of November, 2007

J U D G M E N T

Petitioner was a contractor of the 1st respondent Panchayat for carrying out certain road works under a NABARD scheme. Ext.P3 completion report is relied on to show that the work was satisfactorily completed by the petitioner.

2. The grievance of the petitioner is that his bills are not been paid and that due to delay in the matter of disbursement of bill amounts, considerable hardship is being sustained by him. Though the 1st respondent was served with notice, they have not entered appearance to resist the prayers in the writ petition. On the basis of instructions received from the 3rd respondent, Commissioner for Rural Development, a statement has been filed by the learned Govt. Pleader. In Para 2 of the statement, it is stated as follows:

> *"In the present case regarding payment for Kanjirampara-Punchapadam road, the 1st reimbursement claim for Rs.20.10 Lakhs has been sanctioned by NABARD as per their Endt. No.NB (Kerala) SPD/294/RIDF-41/2007-08 dated 2.4.2007. An amount of Rs.21.35 Lakhs has already been paid to the contractor by the Block Panchayat from their plan funds. The second reimbursement claim was sent to NABARD on 10.5.2007. However, NABARD has*

informed that the annexures which were enclosed along with the drawal application were defective. Therefore, NABARD had challenged for corrected statements from the Block Panchayat so as to enable them to consider the reimbursement claim. Accordingly, the reimbursement claim for Rs.19.89 Lakhs was got corrected and forwarded to NABARD. The final reimbursement claim will be released to Block Panchayat soon on clearance from NABARD. It is expected that NABARD may sanction the last reimbursement claim of Rs.19.89 Lakhs shortly."

3. Heard Sri. V.K. Mohammed Yousuf, learned counsel for the petitioner and Sri. Mohammed Anzar, learned Govt. Pleader for respondents 2 to 4.

4. Sri. Yousuf placed before me a copy of circular issued by the 3rd respondent in which learned counsel would highlight before me rule 10 of the circular. It is to the effect that as far as NABARD workmen are concerned, it is the duty of the local authority concerned to release payments from out of its own fund first and then claim reimbursement from the Department of rural development. The averments in the writ petition have not been controverted by the 1st respondent. The submission of the 3rd respondent will, to a great extent, justify grant of relief to the petitioner.

I dispose of the writ petition, directing the 1st respondent to release the outstanding balance due to the petitioner on account of

the work of Kanjirampara-Punchapadam road in Sreekrishnapuram Block Panchayat of the Palakkad District, as per Ext.P2 bill. The 1st respondent will ensure that the above direction is complied with, within six weeks of receiving a copy of the judgment.

PIUS C. KURIAKOSE, JUDGE

vps